

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-cr-00054

NEDELTCHO VLADIMIROV

**RESPONSE OF THE UNITED STATES
TO DEFENDANT'S MOTION IN LIMINE NO. 3**

The United States of America offers the following response to Defendant's Motion in Limine No. 3 (exclusion of testimony about Defendant's knowledge) (ECF 81).

Defendant seeks an order seeking to prohibit witnesses from testifying as to whether Defendant "knew" the items he received from co-conspirators were stolen. ECF 81. The United States acknowledges that a question at trial that asks a witness what Defendant "knew" at a given point in time would call for improper speculation from that witness. However, the United States can establish inferences from the surrounding facts and circumstances that the Defendant knew or should have known that the items were stolen.

Defendant's request is better addressed on a question by question basis. A general order prohibiting such a question is

unnecessary and impractical without hearing the objectionable question.

CONCLUSION

The United States respectfully requests that the Court deny Defendant's Motion in Limine No. 3 (exclusion of testimony about Defendant's knowledge) (ECF 81).

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "RESPONSE OF THE UNITED STATES TO DEFENDANT'S MOTION IN LIMINE NO. 3," has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 6th day of July, 2021 to:

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